IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 536 (MS) OF 2006

Subhash,
S/o Ram Sharan,
Ro Village, Jaurasi, Pargana & Tehsil Roorkee,
District-Haridwar. .....Petitioner.

Versus

1. Deputy Director of Consolidation, District-Haridwar.
2. Settlement Officer Consolidation, Tehsil Roorkee, District-Haridwar.
3. Gaon Sabha, Through its Pradhan Gaon Sabha, Pargana & Tehsil Roorkee, District-Haridwar. .....Respondents.

Dated: 10.05.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Manish Arora, Advocate for the petitioner and Standing Counsel for the respondents.

By the present writ petition, the petitioner has prayed for a writ of certiorari quashing the order dated 22.09.2005 and 22.03.2005 passed by the respondents no. 1 and 2 respectively.

According to the case of the petitioner, he is in possession for the last 25 years in pursuance of the order dated 01.03.1995 and a right has accrued in his favour. The petitioner has filed his objections under Section 9-A of the Consolidation of Holdings Act. The Consolidation Officer has decided the objections on 01.03.1995. However, the appeal filed by the respondent no. 3 under Section 11(1) of the Act was

allowed by the respondent no. 2 vide order dated 30.12.2004 by setting aside the order passed by the Consolidation Officer on 01.03.1995. Since the appeal was decided ex parte, the application for restoration has been filed with the prayer for setting aside the order-dated 30.12.2004 and prayed for hearing the appeal on merits. The application for restoration was rejected.

Aggrieved by the orders dated 30.12.2004 and 22.03.2005, the petitioner has preferred a revision under Section 48 of the Act and the same was dismissed vide order dated 22.09.2005.

In view of the above, the revisional Court is directed to decide the revision on merits in accordance with law. In the meantime, parties are directed to maintain status quo.

Subject to the aforesaid observation, writ petition is disposed of. No order as to costs.

(Rajesh Tandon, J.)

10.05.2006
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